

C. Remarks

The claims are 1-8, with claims 1 and 4 being independent. Claims 1 and 4 have been amended to clarify the invention. Support for this amendment may be found, inter alia, in Exemplary Compound Nos. 1-200 in Table 1. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 4-8 have been withdrawn from further consideration by the Examiner as they are drawn to non-elected subject matter. Withdrawal of the Restriction Requirement and consideration of claims those claims are hereby respectfully requested.

Claims 4-8 are directed to a combination including all the limitation of the subcombination claims 1-3. The Examiner will note that although, hypothetically, there may be another subcombination or feature that could make the combination of claims 4-8 patentable independent of the recited subcombination, the propriety of a requirement for restriction must be determined only on the basis of the features that are recited in the claim presented for examination and not on the basis of a hypothetical scenario, such as outlined by the Examiner in the July 23, 2002 Restriction Requirement.

The subcombination of claims 1-3 is an "essential distinguishing feature" within the meaning of M.P.E.P. § 806.05(c)(II) in claims 4-8 in their present form. Thus, clearly, a requirement for restriction is not be proper. Furthermore, since claims 1-3 are patentable for the reasons discussed below, claims 4-8 must also be patentable.

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0034656 (Thompson). The grounds of rejection are respectfully traversed.

In the Office Action, the Examiner alleged that the presently claimed compounds read on Thompson's L_2MX compound, because if n is 2, a third ligand on the metal can hypothetically be Thompson's X . Applicants respectfully disagree.

To clarify the present invention, the claims have been amended to specify that when n is 2, M is Pt or Pd, and when n is 3, M is Ir or Rh. Since Pt cannot have a third ligand to form an octahedral complex required in paragraph [0052] of Thompson¹ and all ligands in Ir coordination complexes are identical, it is clear that the presently claimed invention cannot read on Thompson's L₂MX compound.

Applicants respectfully submit that Thompson does not disclose or suggest a L₂M or L₃M structure with the ligands as recited in Fig. 49. The ligands in Fig. 49 are clearly limited to the L₂MX compound, as shown in paragraph [0109]. Those ligands, specifically vinylpyridine ligands, are not mentioned elsewhere in Thompson. The disclosure in paragraph [0110] regarding the function of X, which was alluded to by the Examiner in the Office Action, is clearly limited to the structures shown in Fig. 50.

The disclosure in paragraph [0052] lends no further credence to the assertion that the ligands in Fig. 49 are applicable to compounds other than L₂MX. Specifically, paragraph [0052] unequivocally shows that ligand X does participate in the emission, and there is no disclosure or suggestion anywhere in Thompson to replace the X ligand in the L₂MX compound with another L. Thus, any modification of the L₃M structure using the ligands from Fig. 49 or substitution of X by another ligand L in the L₂MX compound is impermissible hindsight based on Applicants' disclosure.

The L₃M compounds in Thompson clearly have ligands different from both Fig. 49 and the presently claimed invention. Specific examples of L₃M are Ir(ppy)₃ and derivatives thereof (Thompson, Examples 2-5). One such metal coordination compound (Ir(ppy)₃) is employed in Comparative Example 1 of the present application. As indicated therein, Ir(ppy)₃ provides a shorter luminescence half-life than the presently claimed metal coordination compounds.

¹/Applicants respectfully submit that platinum cannot form octahedral complexes with three ligands, contrary to the Examiner's allegation on page 3 of the Office Action.

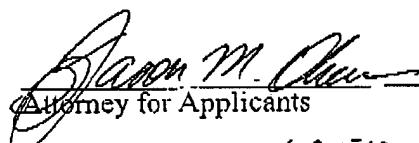
Thus, Applicants respectfully submit that Thompson clearly cannot affect the patentability of the presently claimed invention.

Wherefore, favorable reconsideration and passage to issue of the present case are respectfully requested.

This Amendment After Final Rejection should be entered, because it places the case in allowable form. Alternatively, it places the case in better form for possible appeal.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Registration No. 48,572

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 352186V1